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C O N F I D E N T I A L SECTION 01 OF 03 KATHMANDU 001805

SIPDIS

STATE FOR SA/INS AND DRL  
NSC FOR MILLARD  
LONDON FOR GURNEY

E.O. 12958: DECL: 09/03/2013

TAGS: [PHUM](#) [PTER](#) [MCAP](#) [PINR](#) [NP](#)

SUBJECT: NEPAL: HUMAN RIGHTS COMMISSION ALLEGES HUMAN  
RIGHTS ABUSES BY ARMY IN THE EAST

REF: A. USDAO KATHMANDU IIR 6 867 0059 03

[1](#)B. KATHMANDU 1620

Classified By: AMB. MICHAEL E. MALINOWSKI. REASON: 1.5 (B,D).

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SUMMARY  
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[1](#)1. (C) On September 12 the National Human Rights Commission (NHRC) submitted a report to the Prime Minister that implicates the Royal Nepal Army (RNA) in the summary executions of 17 Maoist prisoners and two civilians in Ramechhap District on August 17. Although the Embassy has not seen the report, the Secretary at the NHRC told us that the evidence includes photographs of the corpses, exhumed from a mass grave in Ramechhap, with gun shot wounds to the head at close range. The findings generally support earlier accusations made by a local human rights group with a broad-based grassroots network. The RNA, which had earlier conducted its own inquiry exonerating the unit involved of wrongdoing (Ref A), has said it will reopen the investigation. The NHRC, which has been plagued by charges of incompetence and partisanship, appears to have made a good-faith effort to appoint an impartial blue-ribbon panel to conduct this inquiry--an effort that we hope will be duplicated in the future. Although there have been numerous allegations of RNA wrongdoing in the past, this marks the first comprehensive effort to examine all available evidence and provide impartial documentation of a case. How the Government of Nepal in general and the RNA in particular handle this landmark report will be watched closely by Nepalis and members of the international community. End summary.

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REPORT FROM RAMECHHAP  
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[1](#)2. (SBU) On September 12 the National Human Rights Commission (NHRC) submitted a report to Prime Minister Surya Bahadur Thapa on the killings of 19 detainees in Royal Nepal Army (RNA) custody in Ramechhap District on August 17. According to Kedar Prasad Poudyal, Secretary at the NHRC, the report, which compiles the findings of a five-person independent panel of inquiry appointed by the NHRC, contains evidence that the RNA summarily executed the 19. Although the Government of Nepal (GON) has not yet offered an official response to the report, the RNA's human rights cell has announced that it will reopen its investigation into the incident. (As conveyed Ref A, the RNA's earlier investigation had exonerated the unit involved of any wrongdoing.)

[1](#)3. (SBU) The Ramechhap incident had attracted almost immediate attention both because of its timing--the same day that GON representatives and Maoist insurgents were holding their third round of negotiations--and front-page allegations of extrajudicial killings from a well-established local human rights group with representatives in the area. According to the NGO's allegations, the RNA had surrounded a house in Doramba, Ramechhap District, in which a Maoist meeting was taking place. (The homeowner was apparently not himself a Maoist, but had had the bad luck to have his house commandeered by the insurgents.) Local villagers told the NGO that shooting broke out from the back of the house, although no one was sure who initiated it, and one person inside the house was killed. The RNA then reportedly rounded up 19 people inside the house, including the homeowner and his son, and marched them off to another location several hours away. The head of the NGO told poloff that villagers in the second location had observed the RNA leading a large group of prisoners, including two women, into the forest. The villagers said they then heard a number of gunshots in rapid succession. When they reached the site after some time, the villagers found 18 bodies, only one of which was a woman's corpse.

[1](#)4. (C) In response to these allegations, the RNA conducted its own inquiry (Ref A). The RNA's report echoes the first

part of the NGO's version--that soldiers, acting on a tip, surrounded a house in Doramba in which a Maoist meeting was taking place. According to the RNA, Maoists in the house threw socket bombs at the troops, who responded with overwhelming force, killing five occupants. No prisoners were reported taken and no injuries or casualties were reported on the RNA side. The RNA reported retrieving one rifle from the site. As the unit was on its way back to base, it was reportedly ambushed by Maoists. According to the RNA account, the unit again responded with overwhelming force, taking no prisoners and sustaining no casualties, but killing 12 Maoists and recovering two pistols.

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IMPARTIAL PANEL  
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15. (C) Drawing on a "crisis management" fund provided by the British, Danish and Norwegian governments (and, we suspect, nudged by the British Embassy), the NHRC appointed a five-person independent panel of inquiry to look into the incident and reconcile the varying accounts. The NHRC, which has been plagued by accusations of incompetence, corruption, and partisanship, apparently took special pains to ensure that the members of the panel could not be similarly faulted. The team included two long-time Embassy contacts (an eminent journalist/editor and a former attorney general), as well as a former Supreme Court justice, an international human rights law expert, and a doctor skilled in forensic medicine. Kanak Dixit, the editor who sat on the panel, told us that panel members made an exhaustive effort to ascertain the facts of the incident, including taking sworn testimony from local villagers, and exhuming, examining and photographing the 18 bodies (apparently one corpse had been cremated before the investigation). The report is well balanced and painstakingly documented, he asserted, and represents an unprecedented effort by the NHRC to research an otherwise sensational case in a professional, dispassionate manner. The scope of the RNA inquiry, on the other hand, had been limited to the far-off district headquarters, he charged, adding that no RNA investigators had set foot on the site where the bodies remain.

16. (C) On September 10 the Ambassador expressed to Prabhakar S.J.B. Rana, the King's business partner and confidant, USG concern at the allegations and urged the GON to examine the report seriously. On September 15 poloff met with Kedar Prasad Poudyal, Secretary of the NHRC, to discuss the report. (Although the NHRC has issued a press release faulting the RNA for summarily executing the prisoners, the report itself has not been released to the public.) Poudyal said the NHRC is unlikely to publish the findings out of concern for the safety of the eyewitnesses named in the report. He confirmed that, in addition to collecting testimony from witnesses that paralleled the original report from the human rights NGO, the panel had examined the corpses, and the doctor had found evidence of head injuries consistent with gun shots fired at close range. He indicated that at least one of the corpses had its hands tied behind its back. The NHRC report urges the GON to reopen the investigation into the killings and to pursue appropriate disciplinary action against the perpetrators.

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COMMENT  
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17. (C) Critics of the NHRC generally have no lack of ammunition with which to attack an organization whose politicization and bureaucratic ineptitude in the past have rendered it unreliable, ineffective and largely incapable of performing its constitutionally mandated responsibility of monitoring human rights violations. With the appointment of this panel, the NHRC appears to have made a good-faith effort to overcome these deficiencies. We hope this investigation sets a standard that the NHRC will copy in the future. In the face of forensic evidence, including photographs, contradicting its account of an ambush, the RNA will have little choice but to reopen its cursory investigation. The publicity already surrounding the event, coupled with the impeccable reputations of the panel members who compiled the report, make it difficult for the GON to ignore or repudiate the findings. We will continue to urge the GON to demonstrate its commitment to human rights and the rule of law by taking all necessary and appropriate action--including possible prosecution of anyone found guilty of violations.

MALINOWSKI